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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Peter G. Webb

Group Art Unit: 1631

Serial No.: 09/772,723

Examiner: Ardin H. Marschel

Filed: 01/29/2001

Title: CHEMICAL ARRAY FABRICATION WITH IDENTITY MAP

Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

RESPONSE TO RESTRICTION

The Examiner is thanked for the Office Action mailed 09/05/2002. The Action contained a restriction requirement only. The Examiner identified the following Groups:

- Group I - claims 1-14;
- Group II - claims 26-29 & 36;
- Group III - claims 15-25 & 35-39;
- Group IV - claims 30-34; and
- Group V - claims 40-44.

The Examiner also raised a species restriction in connection with Group I, namely:

- Specie A (single array generation) - claims 1-7, and
- Specie B (plural array fabrication) - claims 1-14.

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In response to the restriction requirement Applicant elects Group I (claims 1-14) and Specie B (claim 1-14). The election is with traverse in relation to Group II only. For the reasons discussed below it is submitted that Group II should be examined with Group I.

With regard to Group II, claim 26 recites an apparatus comprising:

- (a) an array fabricator to deposit the biopolymers onto different regions of the substrate so as to fabricate the array;
- (b) a processor to save in a memory a map of the identity of respective vessels from which the biopolymers are obtained to the corresponding regions of the substrate onto which the biopolymers from respective vessels are deposited, in association with a map identifier;
- (c) a writing system which applies the map identifier to the substrate or a housing carrying the substrate.

With regard to Group I, claim 1 recites a method comprising:

- (a) obtaining the biopolymers from individual identified vessels;
- (b) depositing the biopolymers onto different regions of the substrate so as to fabricate the array;
- (c) saving in a memory a map of the identity of the vessels to the corresponding regions of the substrate onto which the biopolymers from respective vessels are deposited, in association with a map identifier;
- (d) applying the map identifier to the substrate or a housing carrying the substrate;
- (d) shipping the fabricated array with applied map identifier to a remote location.

Both claims relate to (i) depositing biopolymers onto a substrate; (ii) saving in a memory a map of the identity of the vessels to the corresponding regions of the substrate, in association with a map identifier; and (iii) applying the map identifier to the substrate or a housing carrying the substrate. Therefore, in order to search and examine claim 1 of Group I, the Examiner may also want to search and consider art which relates to claim 26 of Group II. That being the case, there is no "serious burden" as required by M.P.E.P. in the Examiner also considering claims of Group II.

If the Examiner believes there are any outstanding issues which might be resolved by means of a telephone conference, he is invited to call Gordon Stewart at (650)485-2386.

Respectfully submitted,



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